

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 12, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ABEYANCE - SDR-11902 - APPLICANT: TIMOTHY NEAL -  
OWNER: DAVID MADDOX**

---

***THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL  
MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (7-0 vote) and staff recommend DENIAL, subject to:

**Planning and Development**

1. A Variance (VAR-11904) and Variance (11981) approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City of Las Vegas
3. All development shall be in conformance with the site plan, date stamped 03/02/06, and building elevations, date stamped 02/17/06, except as amended by conditions herein.
4. Removal of the Off-Premise Sign (billboard) shall be removed prior to issuance of building permits.
5. A Waiver from 19.12 is hereby approved, to allow a landscape buffer of five feet along the front property line where 15 feet is required, to allow a landscape buffer of zero feet along the sides and rear where eight feet is required and to allow no parking lot landscape finger where one is required.
6. A Waiver from 19.12 to provide two trees in the front landscape planter where three trees are required and to provide zero trees in the rear and side landscape planters where 17 trees are required.
7. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
8. A permanent underground sprinkler system shall be installed in all landscape areas as required by the City of Las Vegas and shall be permanently maintained in a satisfactory manner.

9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. The landscape plan shall include irrigation specifications.
10. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance of 22% (as defined by the National Institute of Standards and Technology).
11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
13. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize downward-directed lights. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
15. All City Code requirements and design standards of all City departments must be satisfied.

**Public Works**

16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
17. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Rancho Drive public right-of-way adjacent to this site prior to the issuance of any permits.
18. This site shall connect to the City of Las Vegas sewer system at a location acceptable to the City Engineer.
19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.

20. Meet with the Flood Control Section of the Department of Public Works for assistance with finished floor elevations and drainage paths prior to submittal of construction drawings or issuance of permits, whichever occurs first.

**\*\* STAFF REPORT \*\***

**APPLICATION REQUEST**

This is a request for a Site Development Plan Review for a proposed 9,571 square foot commercial building and a waiver of the perimeter and parking lot landscape requirement at 3340 North Rancho Drive.

**EXECUTIVE SUMMARY**

Although the proposed development is consistent with the General Plan, it is not consistent with Title 19.08 and Title 19.12. The proposed development requires multiple Variances and Waivers. The subject sit plan as proposed is over built.

**BACKGROUND INFORMATION**

***A) Related Actions***

- |          |  |
|----------|--|
| 11/01/95 | The City Council approved an appeal of a Special Use Permit (U-0119-95) for an Off Premise Sign. The Board of Zoning Adjustments denied the request. Staff recommended denial. |
| 04/13/06 | The Planning Commission recommended denial of related items Variance (VAR-11904) and Variance (VAR-11981) concurrently with this application.                                  |
| 04/13/06 | The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #45/dr).   |

***B) Pre-Application Meeting***

- |          |   |
|----------|---|
| 11/05/05 | The elements of a Variance application were discussed. The applicant was informed of the requirements for parking per Title 19.10 for a Showroom Warehouse. |
|----------|---|

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

## DETAILS OF APPLICATION REQUEST

### **A) Site Area**

Net Acres: 0.49

### **B) Existing Land Use**

Subject Property: Parking Lot and Storage  
North: Auto Repair Shop  
South: Open Air Sales Lot  
East: Dance Hall and Lounge  
West: Auto Body Shop

### **C) Planned Land Use**

Subject Property: GC (General Commercial)  
North: GC (General Commercial)  
South: GC (General Commercial)  
East: GC (General Commercial)  
West: GC (General Commercial)

### **D) Existing Zoning**

Subject Property: C-2 (General Commercial)  
North: C-2 (General Commercial)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)

### **E) General Plan Compliance**

The subject site is designated for GC (General Commercial) land uses within the Centennial Hills General Plan. The proposed Showroom Warehouse is in conformance with that designation and is consistent with the C-2 (General Commercial) zoning of the site.

<b><i>SPECIAL DISTRICTS/ZONES</i></b>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>		X
<b>Special Overlay District</b>	X	
Airport Overlay District	X	
<b>Trails</b>	X	
<b>Rural Preservation Overlay District</b>		X
<b>Development Impact Notification Assessment</b>		X
<b>Project of Regional Significance</b>		X

### **Airport Overlay District**

The subject site is located within the Airport Overlay District in which a Special Use Permit would be required for any structures that exceed a height of 70 feet. This application and the related items are not subject to this requirement as no structure exceeds the 70 foot height.

### **Trails**

The subject site is located adjacent to the Rancho Corridor Trail Plan. The trail along this section has been installed and no further action is needed by the applicant.

## **PROJECT DESCRIPTION**

The project as proposed is for a 9,571 square foot showroom/warehouse. The site plan depicts one 24 foot tall building setback from the front property line by 62 feet with side setbacks of five feet and 21 feet, and a rear setback of five feet. Access to the site is provided by one shared drive way from Rancho Drive. Building elevations depict split face CMU block and smooth CMU block as building materials. One wall sign is depicted on the southwest elevation. A five foot landscape planter with two trees faces along Rancho Drive.

## **ANALYSIS**

### ***A) Zoning Code Compliance***

#### **A1) Development Standards**

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Provided</b>	<b>Compliance</b>
Min. Lot Size	N/A	0.49 acres	N/A
Min. Lot Width	100 Feet	100	Y
Min. Setbacks			
• Front	20 Feet	62 Feet	Y
• Side	10 Feet	5 Feet	N
• Corner	15 Feet	N/A	N/A
• Rear	20 Feet	5 Feet	N
Max. Lot Coverage	50 %	45%	Y
Max. Building Height	N/A	24 Feet	N/A
Trash Enclosure	Y	Y	Y
Loading Zone	One Space	None	N
Mech. Equipment	Screen	Not indicated	By Condition

The proposed project is in compliance for the minimum lot width, maximum lot coverage, trash enclosure and front setback. However, the project provides for a side setback of five feet where 10 feet are required and for a rear setback of five feet where 20 feet is required. The applicant has submitted a Variance (VAR-11981) for these setbacks. The subject deviation for the side setback is 50% and the subject deviation for the rear setback is 75%. Also the project is not providing a loading zone where one is required. The applicant has filed a Variance (VAR-11904) to address this deviation. A condition of approval will be added to require that mechanical equipment be screened.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, Residential Adjacency Standards do not apply to the subject proposal as no residential property is located adjacent to the site.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Retail/ Showroom	4,804 SF.	1 space/ 175 GFA	28	2 spaces of total		1 space of total
Warehouse	4,767 SF.	1 space/1,000 GFA	5			
Total			----- 33		----- 11	

The applicant is requesting a Variance (VAR-11904) to allow 11 parking spaces where 33 are required. Title 19.10 Parking Requirements require 33 spaces for the proposed Retail/Showroom Warehouse building. This represents a deviation of 66%. The number of handicap spaces is determined by the overall number of spaces provided per Title 19.10 (G) Table 2. Table 2 requires one space be handicap for the total of 11 spaces provided.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Tree/ 6 Spaces	1 Tree	Zero
Buffer:	1 Tree/ 30 Linear Feet	20 Trees	2 Trees
<ul style="list-style-type: none"> <li>• Min. Trees</li> <li>• Min. Zone Width</li> <li>• North</li> <li>• South</li> <li>• East</li> <li>• West</li> <li>• Wall height</li> </ul>	15 Feet 8 Feet 8 Feet 8 Feet 6 Feet	5 Feet Zero Feet Zero Feet Zero Feet Not indicated	

The proposal lacks the required tree and parking lot finger, which the applicant has requested a waiver of Title 19.12. In addition the proposal lacks the required number trees in the landscape buffer area and the minimum zone width for the landscape buffers. The applicant has requested waivers to allow for two trees in the landscape buffer area where 22 trees are required and to allow for landscape buffer widths of five feet along the north, zero feet along the south, zero feet along the east and zero feet along the west.

Waiver	Code Requirement	Proposed	Recommendation
19.08.045(C)(1)	Perimeter buffers shall have a minimum width of 15' in the front and 8' on side and rear.	Front buffer 5' Side Zero feet Rear Zero feet	Denial

Exception	Code Requirement	Proposed	Recommendation
19.08.045(E)(6)	One tree for every six parking spaces, located within the interior of the parking lot.	No parking lot fingers are provide nor is the required tree	Denial

#### A5) Sign Standards

Pursuant to Title 19.14, the following Sign Standards apply to the subject proposal:

Wall Signs: East elevation signage		
Standards	Allowed	Provided
Maximum Number	20% of elevation	1.5 % of elevation
Maximum Area	50 SF / sign	28 SF
Maximum Projection	2 Feet	Not indicated
Illumination	Internal/External	Not indicated

The proposal meets the requirements for wall signs per Title 19.14. This sign and any subsequent signs will need a permit prior to construction.

***B) General Analysis and Discussion***

- Zoning

The subject site is zoned C-2 (General Commercial), which is consistent with the GC (General Commercial) land use designation and the proposed use of a showroom/warehouse.

- Site Plan

The site plan is dependant on the following variances and waivers; a setback variance for the side, a setback variance for the rear, a parking variance, a waiver of the perimeter landscape buffer width, a waiver of the required number of trees in perimeter landscaping buffer, a waiver of the required number of parking lot landscape fingers and a waiver of the required number of trees in the parking lot. A reduction in size and scope of the project would allow for a more orderly use of the site.

- Waivers

The applicant has requested the following waivers; a waiver of the perimeter landscape buffer width, a waiver of the required number of trees in perimeter landscaping buffer, a waiver of the required number of parking lot landscape fingers and a waiver of the required number of trees in the parking lot. Due to the intensity of the proposal, staff cannot recommend the requested waivers. A reduction in size and scope of the project would allow for additional landscaping.

- Landscape Plan

The landscape plan is deficient in the perimeter landscape buffer width, which result in a deficiency in the number of trees. The site also lacks the parking lot landscape finger as required by Title 19. The deficiencies in landscaping requirements do not met the intent of Title 19.12.020. The proposed landscape plan does not ensure that new development will contribute to the overall attractiveness of the City; does not have a design that is compatibility between residential and abutting commercial and industrial land uses; does not reinforce a sense of community and preserve the integrity of neighborhoods; does not reduce unsightly views; does not reduce heat and glare generated by development; and will not aid in filtering dust and particulate matter from the air.

- Elevation

Elevations are typical for a retail use. Building elevations depict split face CMU block and smooth CMU block as building materials. The southwest elevation provides an entry feature, also the use of contrasting material provides for an orderly and pleasing environment.

- Floor Plan

The floor plans depict retail/storage areas typical of a showroom/warehouse.

## FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development is not compatible with adjacent development and development in the area, as the sit plan is dependent on multiple setback variances and parking variances. The applicant has created a hardship that is solely personal and self-created by over building the site.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

Although the proposed development is consistent with the General Plan, it is not consistent with Title 19.08 and Title 19.12. The proposed development requires multiple Variances and Waivers. The subject sit plan as proposed is over built.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

Rancho Road is designated by the Master Plan of Streets and Highways as a 100 foot Primary corridor and will provide adequate access to the site.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The building and landscape materials are appropriate for this area of the City of Las Vegas.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Building elevations are not unsightly and create an orderly and aesthetically pleasing environment that is harmonious and compatible with development in the area.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development does not comply with the codes and standards of the city of Las Vegas, which are minimum requirements. Therefore, the proposed development will endanger the public health or general welfare.

#### **PLANNING COMMISSION ACTION**

Note: If approved a maximum 4,804 square feet of space may be used for retail/showroom to be added as a condition.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**                      6

**ASSEMBLY DISTRICT**                      4

**SENATE DISTRICT**                      1

**NOTICES MAILED**                      121 by Planning Department

**APPROVALS**                      0

**PROTESTS**                      0